

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:11-CR-83-D

No. 7:16-CV-142-D

WILLIS SARVIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

On July 22, 2019, this court rejected Willis Sarvis's ("Sarvis" or "petitioner") motions for relief under 28 U.S.C. § 2255 [D.E. 185, 186]. On April 30, 2020, Sarvis again moved for relief under 28 U.S.C. § 2255 and alleged ineffective assistance of counsel [D.E. 191].


Because petitioner's section 2255 motion is "successive," and he has not received authorization from the United States Court of Appeals for the Fourth Circuit to file it, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); United States v. Winestock, 340 F.3d 200, 204–05 (4th Cir. 2003), abrogated in part by United States v. McRae, 793 F.3d 392 (4th Cir. 2015); Surratt v. United States, No. 1:12-CR-00055-MR-WCM-1, 2021 WL 4248088, at *2 (W.D.N.C. Sept. 17, 2021) (unpublished). Thus, the court dismisses without prejudice Sarvis's section 2255 motion.

After reviewing the claims presented in Sarvis's motion, the court finds that reasonable jurists would not find the court's treatment of Sarvis's claims debatable or wrong and that the claims do not deserve encouragement to proceed further. Accordingly, the court denies a certificate of

appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000).

In sum, the court DISMISSES WITHOUT PREJUDICE petitioner's motion [D.E. 191] and DENIES a certificate of appealability. The case remains closed.

SO ORDERED. This 3 day of January 2022.



JAMES C. DEVER III
United States District Judge